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*Changes to legislation: There are currently no known outstanding effects for the Mobile Homes Act 1983, Cross Heading: Termination by owner. (See end of Document for details)*

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# SCHEDULES

## SCHEDULE 1

### AGREEMENTS UNDER ACT

#### PART I

#### TERMS IMPLIED BY ACT

#### [<sup>F1</sup>CHAPTER 2

#### AGREEMENTS RELATING TO PITCHES <sup>F2</sup>... EXCEPT PITCHES <sup>F3</sup>... ON LOCAL AUTHORITY GYPSY AND TRAVELLER SITES AND COUNTY COUNCIL GYPSY AND TRAVELLER SITES ]

##### Textual Amendments

- F1** Sch. 1 Pt. 1 renumbered as Sch. 1 Pt. 1 Ch. 2 (E.) (30.4.2011) by [The Mobile Homes Act 1983 \(Amendment of Schedule 1 and Consequential Amendments\) \(England\) Order 2011 \(S.I. 2011/1003\)](#), art. 1(1), **Sch. 1 para. 2** (with art. 1(3))
- F2** Words in Sch. 1 Pt. 1 Ch. 2 heading omitted (W.) (1.10.2014) by virtue of [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), **Sch. 4 para. 4(9)(b)** (with Sch. 5 para. 7); S.I. 2014/11, art. 3(2)
- F3** Words in Sch. 1 Pt. 1 Ch. 2 heading omitted (10.7.2013) by virtue of [The Mobile Homes Act 1983 \(Amendment of Schedule 1 and Consequential Amendments\) \(Wales\) Order 2013 \(S.I. 2013/1723\)](#), arts. 1(1), **2(3)(a)** (with art. 1(3))

#### *Termination by owner*

- 4 The owner shall be entitled to terminate the agreement [<sup>F4</sup>forthwith][<sup>F4</sup>at a date to be determined by the court] if, on the application of the owner, the [<sup>F5</sup>court][<sup>F5</sup>appropriate judicial body]—
- (a) is satisfied that the occupier has breached a term of the agreement and, after service of a notice to remedy the breach, has not complied with the notice within a reasonable time; and
  - (b) considers it reasonable for the agreement to be terminated.

##### Textual Amendments

- F4** Words in Sch. 1 Pt. 1 para. 4 substituted (S.) (1.9.2013) by [The Mobile Homes Act 1983 \(Amendment of Schedule 1\) \(Scotland\) Order 2013 \(S.S.I. 2013/219\)](#), arts. 1, **2(2)** (with art. 1(2)(3), 4)
- F5** Words in Sch. 1 Pt. 1 Ch. 2 para. 4 substituted (E.) (30.4.2011) by [The Mobile Homes Act 1983 \(Jurisdiction of Residential Property Tribunals\) \(England\) Order 2011 \(S.I. 2011/1005\)](#), arts. 1(1), **3(7)**

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(a) and (W.) (21.3.2012) by [The Mobile Homes Act 1983 \(Jurisdiction of Residential Property Tribunals\) \(Wales\) Order 2012 \(S.I. 2012/899\)](#), arts. 1(1), **3(7)(b)** (with art. 5)

- 5 The owner shall be entitled to terminate the agreement [<sup>F6</sup>forthwith][<sup>F6</sup>at a date to be determined by the court] if, on the application of the owner, <sup>F7</sup>[<sup>F8</sup>the [<sup>F9</sup>court ][<sup>F9</sup>appropriate judicial body]—
- (a) is satisfied that the occupier is not occupying the mobile home as his only or main residence; and
- (b) considers it reasonable for the agreement to be terminated.]

#### Textual Amendments

- F6** Words in Sch. 1 Pt. I para. 5 substituted (S.) (1.9.2013) by [The Mobile Homes Act 1983 \(Amendment of Schedule 1\) \(Scotland\) Order 2013 \(S.S.I. 2013/219\)](#), arts. 1, **2(3)(a)** (with art. 1(2)(3), 4)
- F7** Words in Sch. 1 Pt. I para. 5 substituted (S.) (1.9.2013) by [The Mobile Homes Act 1983 \(Amendment of Schedule 1\) \(Scotland\) Order 2013 \(S.S.I. 2013/219\)](#), arts. 1, **2(3)(b)** (with art. 1(2)(3), 4)
- F8** Words in Sch. 1 Pt. 1 para. 5 substituted (E.) (1.10.2006) by [The Mobile Homes Act 1983 \(Amendment of Schedule 1\) \(England\) Order 2006 \(S.I. 2006/1755\)](#), arts. 1(1), **2(2)** (with arts. 1(2)(3), 4) and (W.) (30.11.2007) by [The Mobile Homes Act 1983 \(Amendment of Schedule 1\) \(Wales\) Order 2007 \(S.I. 2007/3151\)](#), arts. 1(1), **2(2)** (with arts. 1(2)(3), 4)
- F9** Words in Sch. 1 Pt. I Ch. 2 para. 5 substituted (E.) (30.4.2011) by [The Mobile Homes Act 1983 \(Jurisdiction of Residential Property Tribunals\) \(England\) Order 2011 \(S.I. 2011/1005\)](#), arts. 1(1), **3(7)(b)** and (W.) (21.3.2012) by [The Mobile Homes Act 1983 \(Jurisdiction of Residential Property Tribunals\) \(Wales\) Order 2012 \(S.I. 2012/899\)](#), arts. 1(1), **3(7)(c)** (with art. 5)

[<sup>F10</sup>5A(1) . . . . .

- (2) The owner is entitled to terminate the agreement forthwith if—
- (a) on the application of the owner, a tribunal has determined that, having regard to its condition, the mobile home is having a detrimental effect on the amenity of the site; and
- (b) then, on the application of the owner, the appropriate judicial body, having regard to the tribunal’s determination and to any other circumstances, considers it reasonable for the agreement to be terminated.
- (3) Sub-paragraphs (4) and (5) apply if, on an application to the tribunal under sub-paragraph (2)(a)—
- (a) the tribunal considers that, having regard to the present condition of the mobile home, it is having a detrimental effect on the amenity of the site, but
- (b) it also considers that it would be reasonably practicable for particular repairs to be carried out on the mobile home that would result in the mobile home not having that detrimental effect, and
- (c) the occupier indicates to the tribunal that the occupier intends to carry out those repairs.
- (4) In such a case, the tribunal may make an interim order—
- (a) specifying the repairs that must be carried out and the time within which they must be carried out; and
- (b) adjourning the proceedings on the application for such period specified in the interim order as the tribunal considers reasonable to enable the repairs to be carried out.

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- (5) If the tribunal makes an interim order under sub-paragraph (4), it must not make a determination under sub-paragraph (2)(a) unless it is satisfied that the specified period has expired without the repairs having been carried out.]

**Textual Amendments**

- F10** Sch. 1 Pt. I Ch. 2 para. 5A inserted (E.) (30.4.2011) by [The Mobile Homes Act 1983 \(Jurisdiction of Residential Property Tribunals\) \(England\) Order 2011 \(S.I. 2011/1005\)](#), arts. 1(1), **3(7)(c)**
- F11** Sch. 1 Pt. I Ch. 2 para. 5A(1) omitted (W.) (21.3.2012) by virtue of [The Mobile Homes Act 1983 \(Jurisdiction of Residential Property Tribunals\) \(Wales\) Order 2012 \(S.I. 2012/899\)](#), arts. 1(1), **3(7)(d)** (with art. 5)

F126 .....

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